

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL D. SPOOR,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-09-1319-M
	)	
JUSTIN JONES, et al.,	)	
	)	
Respondents.	)	


**ORDER**

On March 30, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended petitioner's petition be dismissed upon filing due to petitioner's failure to exhaust available state court remedies as to all claims, unless within twenty (20) days of any order adopting the Report and Recommendation herein, petitioner files an amended petition presenting only his claims which have been exhausted. Petitioner was advised of his right to object to the Report and Recommendation by April 19, 2010. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on March 30, 2010; and
- (2) DISMISSES the petition for writ of habeas corpus upon filing due to petitioner's failure to exhaust available state court remedies as to all claims, unless within twenty (20) days of this order, petitioner files an amended petition presenting only his claims which have been exhausted.

**IT IS SO ORDERED this 30th day of July, 2010.**

  
VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE